

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,) Case No. 1:06-CR-00394
v.)
JOSEPH SMITH, et al.,)
Defendants.)
) ORDER
)

The court held a pretrial conference today, March 6, 2007, concerning deadlines in this case and the motion to compel and for subpoena pursuant to Rules 16 and 17(c) of the Federal Rules of Criminal Procedure [Docket No. 37] filed by defendant Joseph Smith (“Smith”) and joined by defendant Anton Zgoznik (“Zgoznik”) [Docket No. 38]. Plaintiff United States of America (the “Government”) has filed its opposition to Smith’s motion [Docket No. 42], and the Catholic Diocese of Cleveland (the “Diocese”) has indicated its desire to oppose Smith and Zgoznik’s motion for a subpoena as well. Therefore, Smith shall submit a draft subpoena to the court, the Government and the Diocese by March 9, 2007. The Diocese shall file its brief opposing the request for subpoena by March 19, 2007. Smith and Zgoznik may file briefs in reply to the Diocese by March 26, 2007.

Given the complexity of the issues presented by this case, the pending motions, and the potential need for voluminous additional discovery, the court finds that the current trial date would not permit counsel for the defendants or the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Therefore, the court finds, pursuant to 18 U.S.C. §

3161(h)(8)(A)-(C), that the ends of justice served by continuing the trial outweigh the best interest of the public and the defendants in a speedy trial. The court continues trial in this case to Wednesday, August 15, 2007, at 9:30 a.m., Courtroom 17B, Carl B. Stokes U.S. Courthouse, 801 West Superior Avenue, Cleveland, Ohio 44113. If the parties need to schedule any future pretrial conferences, they are directed to contact the courtroom deputy clerk as indicated in the court's criminal pretrial order [Docket No. 7].

In preparation for the trial, the Government and the defendants shall submit proposed questions for the questionnaire to be mailed to potential jurors to the court by June 18, 2007, in WordPerfect format. The court shall provide to the parties a draft of the questionnaire to be mailed out by July 2, 2007. The parties may then make their objections to the court's proposed questionnaire for the record. The final questionnaire shall be mailed to potential jurors on July 9, 2007, and responses from potential jurors shall be sent back by July 20, 2007. Once those responses have been received, the court shall schedule a conference to review those responses, and to set a deadline for proposed voir dire questions to be asked by the court when impaneling the jury.

The Government shall file its proposed exhibit list by July 13, 2007. Smith and Zgoznik may file motions in limine seeking exclusion of particular exhibits by July 20, 2007. The Government may file responses to any motions in limine filed by Smith or Zgoznik by July 27, 2007. Proposed jury instructions shall be filed by both the Government and the defendants by August 8, 2007.

IT IS SO ORDERED.

/s/ Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: March 6, 2007